

**Minutes of the
Tobacco Education and Research Oversight Committee (TEROC)
Los Angeles Airport Marriott
Denver Conference Room
5855 West Century Boulevard
Los Angeles, CA 90045
Wednesday, December 11, 2013**

MEMBERS PRESENT:

Dr. Lourdes Baezconde-Garbanati, Dr. Lawrence Green, Dr. Alan Henderson, Dr. Pamela Ling, Dr. Michael Ong (Chair), Dr. Dorothy Rice, Dr. Shu-Hong Zhu

MEMBERS ABSENT:

Ms. Denise Adams-Simms, Dr. Wendel Brunner, Ms. Pat S. Etem, Mr. Myron Dean Quon

OTHERS IN ATTENDANCE:

Dr. Bart Aoki, Tobacco Related Disease Research Program (TRDRP)/ University of California, Office of the President (UCOP)

Marice Ashe, ChangeLab Solutions

Richard Barnes, University of California, San Francisco (UCSF)

Rosa Barahona, University of Southern California (USC) Tobacco Education and Materials (TEAM) Lab

Lynn Baskett, Consultant/TEROC Master Plan Writer

Vicki Bauman, Stanislaus County Office of Education

Dawn Dunn, Santa Barbara County of Public Health

Dr. Phillip Gardiner, TRDRP/UCOP/African American Tobacco Control Leadership Council (AATCLC)

Robert Gomez, USC TEAM Lab

Tom Herman, California Department of Education (CDE)/Coordinate School Health and Safety Office (CSHSO)

Dr. Norval Hickman, TRDRP/UCOP

Kim Homer-Vagadori, California Youth Advocacy Network (CYAN)

Dr. Jonathan Isler, California Tobacco Control Program (CTCP)

Kevin Keyes, Kern County Superintendent of Schools (KCSOS)/AATCLC

Richard Kwong, CTCP

John Lagomarsino, CDE

Vanessa Marvin, American Lung Association of California (ALAC)

Jack Nicholl, American Lung Association (ALA)

Anne Pearson, ChangeLab Solutions

Rhonda Ragab, USC TEAM Lab

Estela Rivas, USC Volunteer

Yaneth Rodriguez, USC TEAM Lab

April Roeseler, CTCP

Nadine Roh, CTCP

Kenneth Ronquillo, USC TEAM Lab

Alexandria Simpson, CTCP
Claradina Soto, USC
Zul Surami, USC
Vicki Webster, CYAN
David Wheatley, Activist

WELCOME, INTRODUCTION, AND OPENING COMMENTS

TEROC Chair, Dr. Ong, called the meeting to order at 9:38 a.m. TEROC members and guests introduced themselves.

1. APPROVAL OF MINUTES FROM THE OCTOBER 1, 2013 AND OCTOBER 31, 2013 TEROC MEETINGS, CORRESPONDENCE, AND ANNOUNCEMENTS

Approval of the October 1, 2013 and October 31, 2013 minutes with amendments moved by Dr. Rice, seconded by Dr. Henderson; motion passed unanimously.

The chair reviewed TEROC-related correspondence:

Outgoing Correspondence:

- TEROC letter to Tom Torlakson, State Superintendent of Public Instruction regarding the Committee's adopted position on electronic nicotine delivery systems.
- TEROC letter to the Honorable Tom LaBonge supporting the regulation of e-cigarette sales in the City of Los Angeles.
- TEROC letter to the Honorable Mitch O'Farrel supporting the regulation of e-cigarette sales in the City of Los Angeles.
On Wednesday, December 4, 2013, Los Angeles City Council unanimously voted to implement the proposed regulations.
- TEROC letter to Dr. Ronald Chapman, Director and State Health Officer, California Department of Public Health (CDPH) regarding the delay of California Tobacco Control Program (CTCP) contracts.
- Email from Dr. Ong, TEROC Health Benefit Exchange Subcommittee member, to Jeff Rideout, Covered California, thanking him for the opportunity to discuss comprehensive tobacco control measures within the Covered California plans.
- TEROC letter to Michael V. Drake, University of California (UC), Irvine regarding UC Irvine's smoke-free policy.

- TEROC certificate of appreciation to Peggy Uyeda.

Incoming Correspondence:

- Letter from Rod Lew of Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL) to Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding the new interpretation of Government Code (GC) Section 19130.
- Letter from John A. Perez, Speaker of the Assembly, to Dr. Ronald Chapman, Director and State Health Officer, CDPH notifying him of Myron Quon's reappointment to TEROC.

Email from Robert Dousa, Program Specialist-Health Education Alcohol, Tobacco and Other Drug (ATOD); Prevention Programs Family, Schools & Community Partnerships Department; Oakland County School District to TEROC regarding a budget revision request in the Tobacco-Use Prevention Education (TUPE) grant.

TEROC will respond to Mr. Dousa explaining TEROC's authority. CDE has not been contacted by Mr. Dousa, but appreciates TEROC's offer to respond and would be happy to respond if TEROC refers him back to CDE.

- Letter from Peggy Uyeda to Dr. Michael Ong, M.D., Ph.D., resigning from TEROC.
- Letter from Darrell Steinberg, Senate Rules Committee, to Dr. Pamela Ling regarding Dr. Ling's reappointment to TEROC.
- Letter from Drew Johnson, Acting Deputy Director, Center for Chronic Disease Prevention and Health Promotion, CDPH to Rod Lew, Executive Director, APPEAL responding to APPEAL's concerns regarding the new interpretation of GC Section 19130.
- Response letter from Michael V. Drake, M.D., Chancellor of UC Irvine, to Michael Ong, M.D., Ph.D., Chair of TEROC, regarding the campus' tobacco-free policy.
Dr. Gardiner advised TEROC that the African American Tobacco Control Leadership Council (AATCLC) is prepared to write a letter to Dr. Drake and will Cc: TEROC; the letter will most likely be prepared after the New Year.
Dawn Dunn has heard that the University of Santa Barbara may be adopting a policy similar to UC Irvine's.
Dr. Green discussed TEROC's approach to systematically encompass e-cigarettes into the definition of tobacco.
TEROC decided to discuss emerging tobacco products during the Master Plan discussion the following day, Thursday, December 13, 2013.

Dr. Baezconde-Garbanati discussed the implications of recent data showing approximately 50 percent of e-cigarettes are sold in pharmacies; this raises a potential discussion regarding whether e-cigarettes are being viewed and used as a cessation device.

- Letter from Stanton A. Glantz, Ph.D., University of California, San Francisco (UCSF) to Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP contracts and GC Section 19130.
- Letter from Alexandra A. Bell, Student Health Services Coordinator at Allan Hancock College to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP contracts and GC Section 19130.
- Letter from Kathleen J. Young, M.P.H., Ph.D., M.S., Associate Professor & Coordinator, COUGH-Northridge to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Email and Letter from Jacob Delbridge, Labor Occupational Health Program (LOHP) UC Berkeley School of Public Health to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP contracts and GC Section 19130.
- Email from Phillip Gardiner, African American Tobacco Control Leadership Council (AATCL) to TEROC informing the Committee of an upcoming press conference calling for the banning of menthol cigarettes, with Mayor Rahm Emanuel and Health Commissioner Choucair on December 10, 2013.
Dr. Gardiner informed TEROC that the press conference successfully took place on Tuesday, December 10, 2013. It was announced that the sale of menthol flavored tobacco products would be banned within 500 feet of Chicago schools, five times the existing radius. Chicago's success has been documented and will be distributed as a model.
- Email from Rosalyn Moya, Project Coordinator of ATOD Network to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding the irreplaceable services of TECC, ChangeLab, and technical assistance (TA) contracts.
- Letter from DeAnne Blankenship, Director of Program Services of California Health Collaborative to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP Contracts and GC Section 19130.

- Letter from Lou Moerner, Tobacco Education Network and James P. McCubbrey, Ph.D., Tobacco Free Humboldt to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP Contracts and GC Section 19130.
- Letter from Debbie Goodman, MSN, RN, PHN, College Nurse/Coordinator Student Health & Wellness Office, Shasta College Student Health & Wellness to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, regarding CTCP Contracts and GC Section 19130.
- Email from Naomi Kitajima, Director of Health Services at Foodhill College, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding the positive effects of CYAN on campus.
- Letter from Wayne S. Hansen Jr., San Luis Obispo Tobacco Control Coalition to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP contracts and GC Section 19130.
- Email from Brian Davis, California Tobacco Control Program Coordinator from Tri-City Health Center to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP contracts and GC Section 19130.
- Letter from Daniel E. McGoldrick, Campaign for Tobacco-Free Kids, Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH, regarding CTCP contracts and GC Section 19130.
Dr. Ong discussed Mr. McGoldrick's letter, noting that concern regarding the CTCP has spread to a national level.
- Letter from Tom Torlakson, California Department of Education, to TEROC regarding the appointment of Vicki Bauman, Stanislaus County Office of Education, to TEROC.
Dr. Ong specifically highlighted Dr. Torlakson's letter and welcomed Ms. Bauman to TEROC.
- Letter from Elizabeth Benne, Pierce College, to Secretary Diana Dooley, California Health and Human Services Agency and Dr. Ronald Chapman, Director and State Health Officer, California Department of Public Health (CDPH) regarding CTCP contracts and GC Section 19130.

- Letter from Shirley Arroyo, Elk Grove Unified School District, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Anquanitte Ortega and Evelyn Williams, Solano County Tobacco Education Coalition, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Matthew Willis, County of Marin Department of Health and Human Services, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Charleen Mikail, California State University Northridge, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Jennie Cook, prior TEROCC member and current representative of the Smoke-Free Marin Coalition, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130. In the letter from the Smoke-Free Marin Coalition, Ms. Cook specifically highlighted the “tortured interpretation” of GC Section 19130. Dr. Ong asserted that the interpretation must have been, at some point, well intentioned; however, it has become highly disruptive to CTCP.
- Letter from Rosalyn Chan, Mission College, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Kimberly Bankston-Lee, Sacramento County Tobacco Control Coalition to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Sharon Sheehan Bifano, Coalition Engaged in a Smoke-free Effort (CEASE)-Santa Barbara County, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.

- Letter from Beth Hoffman, Student Health and Wellness Services Santiago Canyon College, to Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Richard O. Johnson, Mono County Public Health, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Chris Kiger, Irvine Valley College, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Tom Changnon, Stanislaus County Office of Education, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Bridgit Aouncuz and Judy Moore, Stanislaus County Protecting Health and Slamming Tobacco (PHAST), to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
Ms. Bauman discussed the extensive community work PHAST is a part of.
- Email from Gregory Robinson, Children and Family Futures, to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter form Ken Fitzgerald, Stanislaus Advocacy Action Team, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Oralia Vallejo, Central Valley Regional Tobacco Coalition, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Meredith Minkler, University of CA, Berkeley School of Public Health, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.

- Letter from Joel Ervice, Regional Asthma Management and Prevention (RAMP), to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Lorenzo Higley, San Diego County Tobacco Control Coalition, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Ken Fitzgerald, Stanislaus County Office of Education, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Kevin Keyes, Tobacco Free Coalition of Kern County, to Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Alireza Rezapour, Saint Mary's College of California, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Brian Vaughn, Sonoma County Department of Health Services, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Maggie Mahoney, Tobacco Control Legal Consortium, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
This letter was highlighted because of the growing national concern regarding CTCP.
- Letter from Judy Gerard, ATOD Network, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Harold Goldstein, California Center for Public Health Advocacy, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.

- Letter from Andrea Craig Dodge, Buck Tobacco Sponsorship Project, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Dale Hillard; Sunrise House Prevention, Monterey County Traffic Safety Coalition, Coalition for a Tobacco-Free Monterey County; to Secretary Diana Dooley, California Health and Human Services and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Ariana Luna, Kings County Tobacco-Free Partnership, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Megan Edmonson, Fresno County Tobacco-Free Coalition, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Thea Jones, Central Valley Chronic Disease Partnership, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Myriam Alvarez, Madera County Tobacco Control Program, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Tina Franco, Madera County Tobacco Control Program, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Mayra Miranda, Madera County Tobacco Control Program, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.
- Letter from Amelia Peterson, Madera County – Community Transformation Grant, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.

- Letter from Jose Arrezola, Madera County – Community Transformation Grant, to Secretary Diana Dooley, California Health and Human Services, and Dr. Ronald Chapman, Director and State Health Officer, CDPH regarding CTCP contracts and GC Section 19130.

Dr. Aoki informed TEROC that TRDRP/UCOP would also be providing a letter regarding CTCP contracts and GC Section 19130 from TRDRP/UCOP.

At the date of this meeting, over 50 letters had been received by TEROC regarding CTCP contracts and GC Section 19130; letters are continuously being received.

TEROC received a broad range of letters from county and local governments, colleges and universities, public health organizations and various coalitions from TEROC's priority populations.

Dr. Green and Marice Ashe discussed the existence of case law regarding GC Section 19130. Dr. Ong and Mr. Quon will discuss this in more detail during the GC Section 19130 meeting debrief.

Dr. Baezconde-Garbanati closed the discussion by highlighting a section of the letter from Dr. Glantz:

“Indeed, the changes that you are implementing now are the greatest threat to the California Tobacco Control Program since the mid-1990s when Republican Governor Pete Wilson allied with Democratic Assembly Speaker Willie Brown to destroy the program.”

2. ENVIRONMENTAL UPDATE

California town bans smoking in condos and apartments that share walls

The town of San Rafael, California, passed a ban on smoking that city officials have called the most stringent in the nation. The new ordinance made it illegal for residents to smoke in their own homes if they share a wall with another dwelling.

Term limits and the tobacco industry

Dorie E. Apollonio, Stanton A. Glantz, and Lisa Bero explored the effects of legislative term limits on the tobacco industry.

Rate of Illegal Tobacco Sales to California Youth Falls

Dr. Ron Chapman, Director of CDPH and State Health Officer, released the California rate of illegal tobacco sales to minors on November 14, 2013, which has decreased to the second lowest rate in the survey's history.

The Hazard of Free-Trade Tobacco

The United States and 11 countries bordering the Pacific Ocean had been engaged in the latest round of negotiations over a treaty intended to lower tariffs and other barriers to commerce.

E-Cigarette shaped as asthma inhaler, colored pink, and proceeds go to breast cancer research

Discreet Vape are the makers of an asthma inhaler shaped device called a "PUFFiT." PUFFiTs are constructed so individuals can discreetly vape. Shoppers can even purchase pink PUFFiTs, and proceeds go to breast cancer research.

Emerging tobacco products gaining popularity among youth

Emerging tobacco products, such as e-cigarettes and hookahs, are quickly gaining popularity among middle- and high-school students, according to CDC's Morbidity and Mortality Weekly Report released on Thursday, November 14, 2013.

Philip Morris Int'l to Enter E-Cigarette Market

Philip Morris International Inc. announced Wednesday, November 20, 2013, that it plans to enter the growing electronic cigarette business late next year and accelerate the launch of its "reduced-risk" products.

E-Cigarette gathering at Royal Society in London

The merits, advantages, and disadvantages of e-cigarettes were discussed at a one-day gathering of some 250 scientists, experts, policymakers, and industry figures at the Royal Society in London.

Dr. Ong and TEROc discussed the controversies of e-cigarettes and the continued research being conducted.

Dr. Gardiner also highlighted that the City of Richmond expanded its smoking ban to include e-cigarettes.

Ms. Dunn noted that the banning of e-cigarettes is gaining great momentum at the local level.

Dr. Baezconde-Garbanati noted USC Center for Regulatory Science just put out a call for pilot projects regarding e-cigarettes. USC encourages applications from researchers.

Action Item:

Dr. Zhu moved TEROc write a response letter to Robert Dousa, Oakland Unified School District, providing information regarding TEROc's oversight and highlighting TEROc's role relating to programs administered by CDE. The letter would refer Mr. Dousa back to CDE for further discussion. Dr. Baezconde-Garbanati seconded the motion; motion carried unanimously.

3. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, CALIFORNIA TOBACCO CONTROL PROGRAM REPORT

Ms. Roeseler presented the CDPH/CTCP update.

The Local Lead Agency (LLA) 2013-2017 Phase II Guidelines Training was held via webinar on October 28-31, 2013. Normally the trainings are held in-person, but were presented via webinar to reduce costs. Ms. Roeseler briefly highlighted the webinars related to the LLA Guidelines Training. A presentation was also offered entitled "Leveraging New Community Health Needs Assessment (CHNA) Requirements to Advance Tobacco Control in California." The webinars were well-received; but some individuals expressed a preference for in-person trainings.

On December 2, 2013, RFP 14-10003 California Tobacco Control Program Advertising Campaign was released. The RFP will result in one contract for the general market advertising campaign.

CTCP's Evaluation Unit, in conjunction with Tobacco Control Evaluation Center (TCEC) at UC Davis cleaned the Healthy Stores for a Healthy Community (HSHC) data collected by LLAs during summer 2013. Data pertaining to the Communities of Excellence (CX) local Needs Assessments were previously summarized and shared with LLAs and now CTCP is summarizing all data at the state level. By January, 2014, CTCP will have LLA-specific data to share with the counties and by March, 2014 will provide LLA-specific fact sheets highlighting topline data from the HSHC data collection efforts to share during regional press conferences.

CTCP has been collaborating with Department of Health Care Services (DHCS) Alcohol and Drug programs as well as the Nutrition Education Obesity Prevention Program on data analysis. This information will be used in local press conferences to occur in March, 2014.

CTCP released the Reduce Tobacco-Related Inequities Interventions Request for Application (RFA). This RFA intends to fund 10 to 12 grants to prevent and reduce tobacco use among priority populations. The anticipated funding level for the 24-month period may not exceed \$50,000 per year.

On October 9, 2013, CYAN facilitated a webinar entitled, "E-Cigarettes on College Campuses." The webinar was conducted twice and was well received.

CTCP provided a presentation "Tobacco Cessation and Behavioral Health: How we can Collaborate" to the Governor's Prevention Advisory Council.

CTCP hosted a webinar on emerging tobacco products entitled, “Policy Approaches to Regulate Emerging Tobacco Products”. Topics discussed included an overview of emerging products, a review of policy options and approaches, two local implementation case studies, evaluation plan tips, and resources for local projects.

CTCP’s new TV and digital ad campaign, “Lost Moments”, debuted in California the week of October 21, 2013 for a three-week flight. The “Lost Moments” ads were created using actual home video footage that was posted on YouTube. With the consent from the families, these simple, memorable and emotional life moments were turned into new anti-tobacco TV spots. The public can record and broadcast personal lost moments on TobaccoFreeCA.com.

The CTCP-coordinated “Tobacco and Its Impact in My Community” photo contest was a success in its first year. There were over 130 entries and 12 winners which were announced on Facebook. The purpose of the contest was to collect images that “tell the story” of tobacco control issues that significantly impact youth and disadvantaged communities most impacted by tobacco use and secondhand smoke exposure.

CDPH was the recipient of several 2013 National Public Health Information Coalition (NPHIC) Awards with CTCP taking home 10 awards: three gold, six silver, and one bronze award.

TEROC discussed the challenges of keeping up with the evolving preferences of youth in regards to website utilization. Members noted the benefits of publishing anti-tobacco ads on YouTube, because a large number of youth view this site. Dr. Ong noted that Instagram and Snapchat are highly utilized by youth as well. Ms. Bauman noted that Facebook was becoming less popular with youth.

Ms. Roeseler provided an overview of CDPH/CTCP contracts:

- Information Clearinghouse/Fulfillment Services -Tobacco Education Clearinghouse of California (TECC). The contract expiration date is December 31, 2013. CTCP is currently working on a no-cost contract extension and then an eventual augment and extension. The extensions are contingent upon a waiver from the Office of State Printing (OSP). This contract focuses on Quit Kit Fulfillment, Helpline materials distribution, and bulk catalog distribution. The library and database services will be contracted to the University of California, Davis (UCD).

Dr. Rice noted that this was a short-term solution, but noted that a long-term solution had not yet been identified. Ms. Roeseler and Ms. Roh stated that

OSP is developing a more robust function that would fulfill CTCP's service needs in the long run.

Dr. Gardiner posed the question of whether or not TECC preferred to have the library services split. Ms. Roeseler said that TECC would prefer to keep the services, but they had been awarded to UCD, which is a state agency.

Dr. Green asked if state agencies, such as UCD, had to bid for services. Ms. Roeseler would prefer that the University of California and the California State University System place bids for services, but indicated there is no requirement to do so and needs to further explore the authority to competitively bid Inter-Agency Agreements.

Dr. Zhu noted additional amendments to the October 31, 2013 meeting minutes.

- Recruitment of youth decoys – Boys and Girls Club of Fresno County. Contract expiration date is August 15, 2015. The services support undercover buys and CTCP's youth surveys. CTCP and the CDPH, Food and Drug Branch are developing a background document which will fully explain the services; the document will be presented to the CDPH, Office of Legal Services (OLS).
- Annual Youth Tobacco Purchase Survey – San Diego State University Research Foundation (SDSURF). The contract expiration date is June 14, 2014. SDSURF is not considered a state agency. CTCP has received additional information from SDSURF and is currently developing a more thorough justification as to why the services must be contracted out.
- California Student Tobacco Survey (CSTS) – WestEd. Contract expired on June 30, 2013. The biennial in-school survey provides the youth tobacco prevalence number and meets the statutory requirements for the evaluation of CDE's TUPE program. The University of California, Los Angeles (UCLA) was approached regarding taking over the services; UCLA declined. The University of California, San Diego (UCSD) was approached and preliminary negotiations are currently being conducted.
- Tobacco Regulation, Awareness, Communication, and Education (TRACE) – American Lung Association of California (ALAC)/The Center for Tobacco Policy and Organizing (The Center), ChangeLab Solutions, and CYAN. All three agreements end on June 30, 2014. The services have been reconceptualized and have been presented as a request for application (RFA). The purpose of the RFA would be to fund one to four projects that will conduct research, plan, develop and

disseminate innovative policy regulation and promising community norm change strategies which can be replicated by others to create healthy sustainable communities which dissuade tobacco use. CDPH's Contracts Management Unit (CMU) is currently reviewing the RFA and OLS has also requested the opportunity to review.

Ms. Roeseler regrettably reported drastic budget cuts in recent years resulting in the reduction of CTCP's infrastructure. Operating in the new, low-funding environment has proven to be difficult. Several areas of the program were cutback or eliminated, including funding for educational materials which directly affected the TEAM Lab contract.

Dr. Ong and Dr. Green expressed disappointment that good programs must be cut as a result of the low-funding environment. Dr. Ong asked members of TEROC and the state departments to think about how tobacco control can be maintained in this low-resource environment. Dr. Green asked that TEROC keep this in mind during planning of the 2015-2017 TEROC Master Plan.

Ms. Rodriguez of TEAM Lab thanked Ms. Roeseler for her announcement and wanted to share recent needs assessment data collected from September and October of 2013. Ms. Rodriguez stated that the data accurately reflects what is going on in the field. She highlighted some important information from the data:

Out of 77 respondents:

- 48 percent were from LLAs
- 33 percent were competitive grantees
- 43 percent stated that they would be developing materials
- 25 percent stated they would be submitting materials to TEAMLab
- need was very high for training and technical assistance
- respondents mentioned challenges with developing materials
- need was very high for Retail Campaign materials

Ms. Rodriguez felt that it was important to highlight the fact that based on the data, there seemed to be a great need for educational materials; this need was expressed prior to the TECC announcement. The field has demonstrated awareness of the value that TEAM Lab holds.

Ms. Rodriguez thanked Dr. Ong for his acknowledgement of the tremendous value TEAM Lab brings to tobacco control.

The Chair thanked Ms. Roeseler for her presentation.

4. TEROC SUBCOMMITTEE REPORT REGARDING CTCP CONTRACTS AND GOVERNMENT CODE SECTION 19130

Dr. Ong provided an update on behalf of the TEROC Subcommittee. The subcommittee was comprised of himself and Mr. Quon.

The TEROC Subcommittee reported on two separate meetings which took place on Tuesday, November 12, 2013 and subsequently on Monday, November 25, 2013. The meetings included the TEROC Subcommittee and key leaders from CDPH. Discussion surrounded CTCP contracting and GC Section 19130.

CDPH has asked TEROC for the following support:

1. Helping to prioritize CTCP's contracts
2. Developing an evidentiary basis for CTCP contracts meeting the GC Section 19130 exemptions

Dr. Ong stated that the incoming correspondence regarding GC Section 19130 has been very helpful and will help TEROC to develop a case in defending the continuation of non-governmental contracts.

Dr. Zhu asked CTCP whether TEROC should take a general or contract specific approach when helping to develop the evidentiary basis for CTCP. Ms. Roeseler answered that it would be very helpful if TEROC could develop an enterprise solution that not only works for CTCP, but will help with other CDPH programs as well, rather than handling issues on a contract by contract basis.

Ms. Ashe of ChangeLab Solutions cited case law that contradicts CDPH/OLS' decisions. Ms. Ashe stated that moving forward; CTCP should be permitted to fulfill its mandate for projects directed at the prevention of tobacco-related diseases.

Ms. Ashe stated that Article VII, originally adopted by ballot initiative as Article XXIV, of the California Constitution provides for permanent appointment and promotions in state civil service based up on merit, efficiency and fitness as ascertained by competitive examination. When enacted in 1934, the purposes of Article XXIV were twofold. First, the Amendment was intended to eliminate the "spoils system" of political patronage by establishing a merit system whereby appointments to public service positions would be based upon demonstrated fitness rather than political considerations. Since the time that Article XXIV was enacted, the administration of government has changed considerably from a relatively simple structure to a much more complex endeavor, involving a myriad of joint undertakings of governmental and private organizations. This evolution in state administration has been

prompted in part by the fact that complex environmental and social problems call for interdisciplinary teams, combining the resources of government, industry, science and education.

In light of the growing complexity of the problems faced, and the evolution of government to meet those problems, the courts have held that the constitutional policy of a merit system does not mandate that all expansions of state function must be performed by state employees.

Ms. Ashe felt that the following case law summed-up the current situation:

California State Employees' Assn. v. Williams (1970) 7 Cal.App.3d 390, 86 Cal.Rptr. 305

Traditional distinctions between public and private action are further obliterated by myriad joint undertakings of governmental and private organizations. The expansion of public agencies evokes counter-pressure for enlarging the role of the "private sector." Limited delegations of public power or function to private groups occur with increased frequency. fn. 5 Private activity becomes so intertwined with state policy as to be transmuted [7 Cal.App.3d 399] into governmental action for the purpose of evoking constitutional safeguards. fn. 6 Commercial and nonprofit research organizations, as well as universities, engage in government-sponsored research and development projects. Complex environmental and social problems call for interdisciplinary teams, combining the resources of government, industry, science and education. In many areas government confines its role to that of originator, financier and policy arbiter, leaving direct administration in quasi-private or private hands. Commentators employ the phrase, "government by contract" or "administration by contract," to describe this phenomenon. fn. 7 Viewed within the conceptual framework of these evolutionary developments, the constitutional policy of a merit employment system within the system of state agencies engenders no demand for achieving expansions of state function exclusively through the traditional modes of direct administration. It does not prohibit legislative experimentation in new forms to fit new functions. It compels expansion of civil service with expansions of state agency structure but does not force expansions of state agency structure to match extensions of state function. To the contrary, the state civil service suffers no displacement and the underlying constitutional policy is not offended when a new state activity is conducted by contract with a separate public or private entity.

Ms. Ashe stated that these arguments would be outlined further in a letter to CDPH.

Ms. Pearson, ChangeLab Solutions, Kimberly Kim Homer-Vagadori, CYAN, and Vanessa Marvin, ALAC, spoke to TEROC members and guests regarding the nature of the services that each of their organizations provides and how services provided by their organizations meet exemptions under GC Section 19130. CYAN, ALAC and ChangeLab provide technical assistance to CTCP.

- **GC Section 19130 (b) (3)** - The services contracted are not available within civil service, cannot be performed satisfactorily by civil service employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the civil service system.

Ms. Pearson stated that she has a high level of respect for state workers and the work that they do; however, she believes state workers are not able to work and perform services in the same capacity that ChangeLab, CYAN and ALAC do.

- **GC Section 19130 (b) (5)** - The legislative, administrative, or legal goals and purposes cannot be accomplished through the utilization of persons selected pursuant to the regular civil service system. Contracts are permissible under this criterion to protect against a conflict of interest or to insure independent and unbiased findings in cases where there is a clear need for a different, outside perspective. These contracts shall include, but not be limited to, obtaining expert witnesses in litigation.

Ms. Pearson continued by noting that allowing state workers to provide technical assistance would present a clear conflict of interest for state employees to provide legal information to localities concerning tobacco control law and policy. It would also present a conflict of interest for state employees to inform Prop 99 grantees about issues of state preemption. Technical assistance recipients look to ChangeLab Solutions, CYAN and ALAC for unbiased, objective information in furtherance of a local tobacco control goal. If there is a conflict of interest, or a perceived conflict of interest, then groups such as local health departments, community-based organizations, city attorneys, and county counsel may be reluctant to seek technical assistance in adopting a tobacco control policy. If state employees are providing technical assistance, it could be perceived that these employees must provide assistance that is consistent with current state policy priorities which may or may not align with local priorities and needs.

This potential conflict of interest is exemplified by a 1998 lawsuit between the City of San Jose and the California Department of Health Services (DHS). The lawsuit was prompted by San Jose's adoption of a local smoke-free workplace law, which provided a higher level of protection against exposure

to secondhand smoke than was afforded by state law. Upon receiving a complaint that smoking was occurring in a local long-term health care facility, the City of San Jose advised the facility that it was in violation of local law. The facility then sought guidance from legal counsel at DHS, who advised that enforcement of the City's law was preempted by the DHS' rules and regulations permitting smoking.

In the lawsuit, DHS attorneys argued that the state smoke-free workplace law preempted the San Jose law, which prohibited smoking in areas allowed by the state's law. The court of appeal disagreed and found that the state smoke-free workplace law clearly allowed for stricter local laws and that the DHS rules and regulations were in conflict with the city's law.

The litigation between San Jose and the state, in which San Jose won, presents just one example of the types of conflicts that can arise when local jurisdictions consider adopting tobacco control policies that go above and beyond those adopted by the law.

A conflict of interest can also be presented for state employees to provide information to Prop 99 grantees in support of local tobacco control campaigns directed to state agencies. Over the past several years, many local tobacco control advocates and coalitions have worked to encourage California's public colleges and universities to adopt or enforce tobacco-free campus policies.

GC Section 19130 (b) (2) - The contract is for a new state function and the Legislature has specifically mandated or authorized the performance of the work by independent contractors.

Engagement of the non-profit sector to provide tobacco control technical assistance is permissible under GC Section 19130 (b) (2) because it is a new state function resulting in no displacement of civil servants.

According to GC Section 19130 (b) (2), state government may engage the private sector to perform work where that work: (i) represents a new state function; and (ii) the legislature has authorized the performance of that function by independent contractors. Both prongs of this condition are met by the current facts and circumstances. Under the "new state function" test, courts ask whether contracted services displace existing state civil service functions or, instead, embrace a new state activity or function. The key in such cases is whether a contract displaces the civil service. The reason for this inquiry is that the civil service mandate is aimed at protecting existing civil service structure; it does not compel the state to fulfill every new state function through its own agency.

GC Section 19130 (b) (10) - The services are of such an urgent, temporary, or occasional nature that the delay incumbent in their implementation under civil service would frustrate their very purpose.

(c) All persons who provide services to the state under conditions the board determines constitute an employment relationship shall, unless exempted from civil service by Section 4 of Article VII of the California Constitution, be retained under an appropriate civil service appointment.

Ms. Pearson observed that even if the state could conceivably hire staff to perform the functions of the technical assistance providers, it would take years to locate and train those workers, and for them to develop the expertise that is currently made available to support local tobacco control efforts. During that time, the progress that has been made by the CTCP system would certainly stall, and might even decline. This is a matter of great urgency and Ms. Pearson believes they fit squarely into the exemptions.

Ms. Homer Vagadori briefly mentioned the tremendous amount of technical support CYAN provides to the state and local communities particularly on their behalf because of the inability to conduct advocacy. CYAN is able to provide an independent group of youth who can perform advocacy. With the colleges, CYAN works with independent coalitions who advocate for system-wide policy. CYAN can provide an independent perspective on policy. CYAN's ability to work with the military is a profound advantage to the state because the federal system is resistant to taking direction from state governments, but doesn't feel as threatened working with independent groups.

Ms. Homer-Vagadori recognizes that CDPH-OLS doesn't take into consideration the relationship aspect of CTCP contractors; however, this is something that should be recognized. CTCP contractors have spent years developing relationships with state and local communities and the relationships are invaluable to tobacco control work. The end of these relationships could destabilize the system; starting-over could undermine years of work. The urgent need for these services will not allow for the time it would take to rebuild the support system through civil service.

Vanessa Marvin, ALAC, echoed the comments of Ms. Pearson and Ms. Homer-Vagadori. The low-funding environment is causing county health departments to rely more on county coalitions to perform policy work and social norm work, which has been critical in making tobacco control successful. There is great urgency within the tobacco control movement that cannot be ignored. Allowing the state to build a comparable system of support would take years, and the tobacco control community does not have the time to wait.

TEROC discussed additional information CTCP might need. Ms. Roeseler welcomed additional information from TEROc to help support a legal basis for the GC exemptions.

Dr. Ling attended the October 31, 2013 TEROC meeting via teleconference; during that time, she believed she heard Dr. Chapman state that he was responding from pressure outside of the Department regarding these issues. She inquired if there was another party TEROC should contact and bring the matter to their attention. Dr. Ling was very concerned that the situation is much more than just a mere distraction for the tobacco control community and it is disturbing that the contracting issues have not come from any type of audit violation within the program. Dr. Ling felt that CDPH's strategy of "before you come kill me, I'm going to kill myself" was outrageous and she asked if there was some other way that this could be handled. Dr. Ong discussed union pressure to make sure civil service jobs are not being displaced. The current administration is in favor of the changes that have been implemented. The continued discussions by individuals within the tobacco control communities with legislators have created a buzz.

Although pressure is coming from the current political administration, Dr. Chapman is responsible for working with CDPH-OLS to make contracting determinations.

Additional pressure has stemmed from the Bureau of State Audits and the State Personnel Board. An audit was performed within CDPH and the findings were that the department had inappropriately contracted out for services that could have been performed by civil servants. The audit findings were not within CTCP, but CDPH is implementing the restrictions across the Department as a whole.

Ms. Bauman and Mr. Keyes discussed the great need for this conversation. There is a great need for local technical assistance in order to make tobacco control successful in California. CYAN, ChangeLab and ALAC are imperative to addressing the inequities in tobacco use among priority populations. If the services are discontinued, the implications could be catastrophic to tobacco control in California. The tobacco industry must be pleased that California's tobacco control community is so off-focus.

Dr. Baezconde-Garbanati, who no longer has a conflict of interest because the TEAM Lab contract will not be renewed due to budget reductions, asked if there had been a cost-benefit analysis performed to see if bringing the jobs in-house would save the State any money. Training, time, and lives lost may support the argument. Dr. Ong answered that GC Section 19130 is explicit in stating that cost cannot be the bottom-line in decision making. Even if the cost is lower to have the services performed externally, that cannot be the driving factor.

Ms. Dunn expressed her concern that the delay of CTCP contracts could seriously impair tobacco control work that is being done on a local level.

Allowing this disruption to continue could completely derail the progress that has been made in tobacco control. The LLAs rely on CTCP to help make their programs more effective. Ms. Dunn thanked CTCP for leadership and offered support.

Mr. Nicholl asked CTCP to clarify the RFA process, regarding the Tobacco Regulation, Awareness, Communication, and Education (TRACE) grant; Mr. Nicholl's asked for further clarifications regarding the scope of work and timeline. Ms. Roeseler clarified the difference between a grant and a contract. A grant allows for more creativity and is less prescriptive than a contract. CTCP believes that an RFA would be appropriate as long as the language does not require work being done for the state but conveys work that is benefiting communities and local constituency groups.

Dr. Keyes read a letter regarding CTCP contracts and GC Section 19130 on behalf of the AATCLC. The letter will be added to the incoming correspondence to be reviewed at the next TEROC meeting.

Dr. Ong welcomed help creating succinct arguments regarding exemptions for CTCP contracts and GC Section 19130 from the tobacco control community. Ms. Ashe announced that ChangeLab Solutions was currently crafting a letter for Secretary Diana Dooley and Dr. Ron Chapman with a Cc: to TEROC.

Mr. Barnes asserted that the issues with the CTCP contracts may not only be a political issue, but a legal issue as well. CDPH has created a legal position on the matter and it will take very convincing legal arguments to change their position. Mr. Barnes urged TEROC to find an independent legal opinion regarding the matter.

Dr. Green expressed his concern that some of the letters may undermine the credibility of civil servants and their ability to do these jobs. So he asked that any additional letters emphasize the strengths and value of local initiative rather than undermining civil servants.

5. UNIVERSITY OF CALIFORNIA OFFICE OF THE PRESIDENT TOBACCO RELATED-DISEASE RESEARCH PROGRAM REPORT

Dr. Aoki, Dr. Gardiner, and Dr. Hickman presented on behalf of TRDRP.

Dr. Aoki stressed that the contracting issues within CDPH are threatening the integrity of tobacco control community as a whole. TRDRP and the University of California are concerned that a re-configuration will affect directly and adversely the research that they support pursuant to Prop 99. Fulfillment of their Prop 99 mandate requires the highest quality research that in turn relies

upon high levels of community engagement and ground-level innovation, free of conflicts of interest.

Current non-state contracting entities rely on their independence and freedom from conflicts of interest to provide objective perspectives, gain credibility within local communities, and promote un-tethered grassroots innovation. There is an inherent conflict of interest for state agencies to provide guidance to local communities on local policy issues.

Dr. Aoki discussed the Cycle 23 call for applications. For this Cycle only, the timeline for the Career Development Award applications differs from the later timeline for the rest of the applications. Fifty-four letters of intent were submitted by the deadline, of which 47 (11 Dissertation; 36 Postdoctoral) were approved to submit full applications. These Career Development Award numbers are roughly comparable to the three most recent funding Cycles.

Dr. Aoki also discussed the program's Scientific Advisory Committee (SAC). They have initiated a planning process with the intent of updating/revising TRDRP's research priorities and program strategies for the 2015 Call for Applications. The committee will take the new 2015-2017 TERO Master Plan objectives and incorporate them into the priorities. As part of this planning process the SAC discussed/confirmed the following set of principles guiding TRDRP's grant funding.

Dr. Gardiner discussed the TRDRP live webcast – *Electronic Cigarettes: The Vapor This Time?* TRDRP held a live webcast on October 3, 2013 that addressed the current state of knowledge regarding e-cigarettes. During the three-hour webcast, attendance peaked at 747 with a 100+ in-person audience at the UCSF campus site. The audience represented 15+ countries and 1400+ pre-registered for the event.

TRDRP has been working to support the implementation and evaluation of the UC Smoke and Tobacco-Free Policy that will be effective system-wide on January 2, 2014. The policy prohibits the use of smokeless tobacco products, and the use of unregulated nicotine products (e.g., "e-cigarettes") in indoor and outdoor spaces, including parking lots, private residential space, and the Medical Center campuses. The policy will apply to all UC facilities, whether owned or leased as well as to the sale and advertising of tobacco products in university-owned and -occupied buildings. Initially, enforcement will be primarily educational, with an emphasis on cessation resources.

A proposal by the investigators of the TRDRP-funded Consortium on Thirdhand Smoke Research has been accepted for presentation at the 20th Annual Meeting of the Society for Research on Nicotine and Tobacco (SRNT), February 7, 2014 in Seattle. E-cigarettes will be discussed in-depth during the meeting.

As previously requested by TEROC, particularly Ms. Etem, Dr. Hickman presented information regarding the Community Academic Research Awards (CARA) and the School Academic Research Awards. TRDRP funded 14 full CARAs between 1999 and 2013; seven of the funded CARAs were assessed. Studies focused on epidemiological and exploratory research. TRDRP's goal was to reconceptualize community-engaged research.

The ultimate goal was to show the impact of the program and to present examples of what community engagement could look like and get feedback from the SAC on examples and suggestions for next steps. Program staff have discussed and brainstormed strategies to increase community impact of TRDRP-funded research.

TRDRP's SAC has considered expanding community engagement. Dr. Hickman discussed several ideas under consideration:

- Require an appropriate level of community engagement activity in all funded research
- Outreach with TUPE coordinators and LLAs supported by CTCP to encourage research collaborations with academic tobacco control researchers
- Formalize requirements for a community member reviewer on proposals with community involvement
- Alignment or pooling of funding with other funders supporting community-engaged research
- Dissemination awards for investigators with research findings with potential to impact California communities
- Convene periodic meetings of researchers conducting community research, invite tobacco control program directors to promote collaborations and inform research priorities

TRDRP's current efforts:

- TRDRP has presented plans to encourage research partnerships on a TUPE coordinators call and LLA program directors and staffers call in the summer of 2013
- Two TUPE coordinators and two program directors have expressed interest in collaborating with an academic researcher
 - Dr. Hickman has worked to pair them with academic researchers

Dr. Hickman let TEROC know that he was available anytime if there were questions.

Dr. Green applauded Dr. Aoki, Dr. Gardiner, and Dr. Hickman and wanted to point out that there is another argument that TRDRP may be able to leverage; this is the idea that many of the problems translating the existing research pool is not penetrating communities. Also, many of the issues of translational

research, dissemination, and implementation are traceable back to the original research and do not necessarily meet the needs of the communities. Dr. Green asserted that there is a larger argument to be made regarding community based research; if we want more evidence based practice, we need more practice based evidence.

Dr. Ling asked if any of the traditional criteria, by which we judge research, is designed to engage communities. She suggested TRDRP think about the criteria in which success is measured and develop other potential metrics which may be useful.

Dr. Ling and Dr. Hickman also discussed the continuing decline of the TRDRP budget and the challenging mechanism of CARAs and SARAs. Dr. Ling thought it would be helpful if TRDRP reflect about their commitment to this mechanism or whether or not they should prioritize and energy should go towards community based pieces of other research projects.

Dr. Baezconde-Garbanati noted that the CARAs provide an opportunity to community-based organizations to achieve equity and there could be potential negative outcomes, such as loss of respect and value, if these organizations are absorbed. She also asked about the grant oriented mechanism and if TRDRP would be evaluated in a similar fashion as CTCP has been evaluated by CDPH-OLS. Dr. Aoki and Dr. Gardiner informed TERO that TRDRP's enabling legislation protects them from this type of scrutiny.

Dr. Baezconde-Garbanati discussed TRDRP's past translational effort including conferences and webinars involving investigators and the field working hand-in-hand. She inquired if there was any intention of bringing this back. Dr. Gardiner explained that the focus on community engagement could bring this effort back.

The Chair thanked Dr. Aoki, Dr. Gardiner, and Dr. Hickman for their presentation.

6. CALIFORNIA DEPARTMENT OF EDUCATION REPORT

Mr. Herman and Mr. Lagomarsino presented the CDE update and activities related to the 2012-2014 Master Plan.

Mr. Herman began by announcing that Cohort J applications are due December 18, 2013.

Since October 1, 2013 the CSHSO continues to address the use of electronic nicotine delivery systems (ENDS) sending more than 16 separate emails to all County TUPE Coordinators related to ENDS concerns and policy

recommendations. Those emails routinely request that County TUPE Coordinators make every effort to encourage local school governing boards to adopt the following policy language:

“The School Board prohibits the use of products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, in charter school or school district-owned or leased buildings, on school or district property, and in school or district vehicles. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.”

Some coordinators have reported resistance from school legal counsels who take the risk-averse position that schools should not take policy action prohibiting ENDS until required to do so by law. The CSHSO has had a preliminary discussion with CYAN about jointly supporting a webinar for public education.

Mr. Herman presented the aggregated state wide results from the 2012-13 TUPE online annual reports for Cohorts G and H Tier Two grantees. The number of local educational agencies (LEAs) implementing evidence-based prevention programs was found in Table One. The Table Two data showed the number of students participating in evidenced-based programs. The number of LEAs implementing youth development strategies was found in Table Five. Table Six reports the number of students participating in youth development strategies disaggregated by priority population status. Tables Eight and Ten reported the number of students participating in tobacco use intervention and cessation strategies disaggregated by priority population status. Table A at the end of the report indicated which grantees were implementing specific evidence-based programs.

Mr. Herman went on to discuss advocacy. The state is unable to perform this function. However, advocacy is an essential component to tobacco control for youth. CYAN and other vital groups have the ability to independently perform this function.

CDE also attended *the Northern California Safe and Healthy Schools* conference, in Berkeley, CA. Mr. Herman was particularly interested in a presentation by Dr. Alex Stalcup. Dr. Stalcup presented his program working with youth and adults on addiction called, Craving Identification Management (CIM).

Ms. Bauman commented on e-cigarette use in schools; students are very technology savvy and know that the devices can be easily concealed,

because they look like pens. Ms. Bauman suggested educating teachers and administrators regarding the devices.

Dr. Baezconde-Garbanati asked Mr. Herman to educate her on whether or not cessation aids are allowed in schools, such as Nicorette gum. Mr. Herman stated that there is no legislation regarding cessation aids in schools. Medication is allowed in schools, so cessation devices could theoretically be allowed.

Dr. Baezconde-Garbanati went on to express concern regarding the future of e-cigarettes. If they become a cessation aid, they could potentially be allowed in schools. Mr. Herman stated that legislation would be needed to intercede.

The Chair thanked Mr. Herman and Mr. Lagomarsino for the presentation.

7. VOLUNTARY HEALTH AGENCY UPDATE

The American Lung Association, American Heart Association, and American Cancer Society were unable to attend. They did provide two handouts, “Final Update and Tobacco Vote Record – 2013 California Legislative Session” and “Tobacco Money in California Politics.” The “Tobacco Money in California Politics” report details spending by tobacco interests on lobbying expenditures and campaign contributions for the first six months of the 2013-2014 election cycle. This report is one in a series of regular updates produced by the American Lung Association in California Center for Tobacco Policy and Organizing.

TEROC reviewed the provided handouts.

8. PUBLIC COMMENT

Mr. David Wheatley had comments and concerns to present to TERO. Mr. Wheatley has served as the chair of the Pasadena Tobacco Prevention Coalition; he is an activist and a skilled musician. Mr. Wheatley expressed his frustrations while serving as a member of the Pasadena Tobacco Prevention Coalition. The coalition was asked to participate in a program called Communities of Excellence (CX). He felt that the meetings were inappropriately structured, spending too much time on extraneous topics and not enough time coming up with ideas that were important to the coalitions. Mr. Wheatley explained that the Pasadena Tobacco Prevention Coalition is a group of motivated, intense, and creative individuals. During the CX meeting, they were given a list of indicators and were asked to choose two. The coalition was disappointed because they had several ideas and felt extremely limited. He expressed concern that the coalition was being used, by the program in Sacramento, to achieve a master plan that they had no part of

creating. In previous years the coalition was able to create their own ideas and goals and have achieved great accomplishments. They have made great strides in the area of multi-unit housing (MUH).

Mr. Wheatley also discussed his concern regarding the order of the TEROC's agenda. He felt that placing the "Public Comment" Section at the end of the meeting was setting a tone that the public's comments are not important.

Mr. Wheatley thanked TEROC for listening. However, he expressed that he is missing the fervor; he would like to see the tobacco companies be pushed into the sea. He has contacted the International Criminal Court to perhaps initiate proceedings against the tobacco industry. He would prefer to see results.

Dr. Ong thanked Mr. Wheatley for his comments and for his work in Pasadena, which is a leading community in tobacco control. Dr. Ong encouraged Mr. Wheatley to work with CTCP regarding his concerns with the CX and evaluation process. Dr. Ong discussed the general framework that CTCP has built in order to achieve results. He also discussed the TEROC Master Plan and how the CX process is built to achieve the goals of the Master Plan. TEROC is excited to take new and innovative ideas and possibly implement them into the plan for tobacco control. Dr. Ong expressed that there has been a lot of progress in tobacco control, but there is still progress to be made. The CX guidelines emphasize particular goals because CTCP sees a likelihood of success in those areas.

Dr. Ong noted that although a public comment section is reserved on the agenda at the end of the day, TEROC encourages comments from the audience throughout the meeting.

Dr. Ong encouraged thoughts and reactions from other guests.

Dr. Green thanked Mr. Wheatley for his passion and appreciates what he does on a community level. Dr. Green indicated that sometimes it is difficult to make strides at the state level, but tobacco companies have a harder time holding back the locals.

Mr. Wheatley asked if TEROC would write a letter to the International Criminal Court asking if they would begin prosecution of CEOs of tobacco companies. Dr. Ong responded that TEROC would certainly take this under consideration; he suggested engaging other bodies that tend to be more active on the world stage. Dr. Ong is unsure if a letter from TEROC would achieve the desired effect, but suggested Mr. Wheatley look into it on an international level, where they may have already looked into this option.

Dr. Green and Dr. Ling worked with a post-doctorate fellow from UCSF who undertook an analysis of international human-relations treaties and demonstrated that the terms of many of those treaties have been violated. TEROC invited her to present at a past meeting.

Mr. Wheatley asked TEROC if they would advocate for tobacco being a controlled substance requiring a prescription and cessation classes prior to use. Dr. Ong mentioned that the Food and Drug Administration (FDA) has jurisdiction over tobacco products and there is now a centralized mechanism for tobacco control. In some areas, they have not moved as quickly as some in the tobacco community would like. Unfortunately, requiring a prescription for cigarettes would be beyond TEROC's jurisdiction in California because this is something that must be done on a federal level.

Dr. Baezconde-Garbanati thanked Mr. Wheatley for his inspiring passion and for Pasadena's exemplary work. She encouraged the coalition to complete the required CX indicators, but to also go above and beyond. Local coalitions have the ability to go above and beyond and work on additional areas of significance as well.

Mr. Wheatley thanked TEROC.

There were no other public comments.

Dr. Ong moved to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 3:48 PM.

A Master Plan meeting will take place in the same location on December 12, 2013.